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FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

AT ALBUQUERQUE NM

MAR 21 2000

MICHAEL SENA,

Plaintiff,

ROBERT M. MARCH  
CLERK

v.

No. CIV-99-1307 JP/DJS

INFIRMARY ADMINISTRATOR BRUCE TRAVIS,

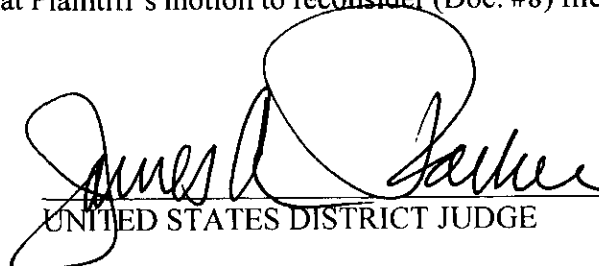
Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion to reconsider (Doc. #8) filed March 13, 2000, which contends that the order entered February 7, 2000, erroneously dismissed Plaintiff's claims against Defendants Wackenhut and Williams. The motion is construed under Fed.R.Civ.P. 60(b). *Hawkins v. Evans*, 64 F.3d 543, 546 (10th Cir. 1995).

"[A] district court may grant a Rule 60(b)(6) motion only in extraordinary circumstances and only when necessary to accomplish justice." *Cashner v. Freedom Stores, Inc.*, 98 F.3d 572, 579 (10th Cir. 1996). "However, it is an abuse of discretion to grant relief where no basis for that relief exists." *Id.* at 580. "[R]evisiting the issues already addressed . . . and 'advanc[ing] new arguments or supporting facts which were otherwise available . . . ' is likewise inappropriate." *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). Plaintiff's motion simply disagrees with the Court's application of the rule against *respondeat superior* liability in an action under 42 U.S.C. §1983. The motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's motion to reconsider (Doc. #8) filed March 13, 2000, is DENIED.

  
UNITED STATES DISTRICT JUDGE

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